

FIFTY-SEVENTH DAY

(Monday, April 22, 1963)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 18, 1963, was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 236 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 690 by vote of 145 ayes, 0 noes.

H. B. No. 41, A bill to be entitled "An Act to amend Chapter 16, Title 15, Article 1257b of the Penal Code of 1926, as amended in 1927, providing punishment for murder without malice; and declaring an emergency."

H. B. No. 159, A bill to be entitled "An Act to provide criminal penalties

for certain acts involving certain motion pictures; defining obscene; providing severability and general repealing clauses; and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, and as embraced in Section 5, providing for disqualification for benefits by adding a new subsection to be known as (g) providing that an individual shall be disqualified for benefits for any benefit period with respect to which he is receiving or has received or is eligible to receive remuneration in the form of old age benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress, or a State Legislature; specifically repealing subsection (e) (3) of Section 5; providing for an effective date for this Act; and declaring an emergency."

H. B. No. 204, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, and as embraced in Section 5 providing for disqualifications for benefits by adding to Section 5 a new subsection to be known as (g) pertaining to certain students; providing for an effective date for this Act; and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act amending the Revised Civil Statutes of Texas, 1925, by adding thereto a new article, to be known as Article 2753a, providing for competitive bidding on all purchases by a public school of a value over One Thousand Dollars (\$1,000); providing for notice and publication; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 598 by vote of 131 ayes, 0 noes.

H. B. No. 116, A bill to be entitled "An Act to amend Sections 1, 2, 3 and 4 of House Bill No. 356, Chapter 408, Acts of the 56th Legislature, 1959, Regular Session (Article 1555b of the Penal Code of the State of Texas); by defining the term 'credit card' and by making it unlawful to obtain or

attempt to obtain credit or goods, property or services by the unauthorized use of a credit card or by use of a false, counterfeit or non-existent credit card, or by use of a credit card which has expired or has been revoked; defining certain words and/or phrases; prescribing certain penalties for conviction based upon the amount of credit or goods, property or services obtained and the number of prior convictions for the same offense; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Remarks of Senator Dorsey B.
Hardeman Ordered Printed
in Journal**

Senator Dies by unanimous consent asked permission to insert in the Journal of today a copy of the address delivered by our colleague, the Senator from Tom Green, the Honorable Dorsey B. Hardeman, to the annual Investiture Service of the Sons of the Republic of Texas and to the Order of the Knights of San Jacinto in Houston on Friday evening, April 19, 1963. Senator Hardeman is a member of the Sons of the Republic of Texas and no one is more interested in preserving the heritage of our State.

Address by
Dorsey B. Hardeman
of San Angelo
to
The Sons of the Republic of Texas
and
Knights of San Jacinto
to Annual Investiture Service
Houston, Texas
April 19, 1963

Sir Knight Commander Banks, Mr. President Tritico, Mrs. Jennie Morrow Decker, granddaughter of General Sam Houston and sister of my good friend, Mr. Temple Houston Morrow, Honored and Distinguished Guests, Ladies, Gentlemen and Compatriots:

In undertaking this interesting assignment, I am sensitive to its responsibilities, as well as to its prerogatives. I am delighted to have my wife, Geneva, as well as the other good ladies present, all of whom I am happy to welcome—with open arms.

I shall limit my time, as requested, to a period no longer than it took General Houston to dispose of General Santa Anna—twenty-three minutes. I hope you will bear with me, therefore, as I undertake to refer to this manuscript.

The invitation to address this Investiture Service came not only as a pleasant surprise, but as an honor, of which I feel undeserving.

This occasion, at which several distinguished Texans are to be inducted as Honorary Members, or be Invested, in one or the other of these distinctive organizations, is of marked significance in many respects. These two organizations—The Sons of the Republic of Texas and the Order, Knights of San Jacinto, are truly unique, in that neither has any counterpart in any other Commonwealth of our Federal Union. No other State was once an Independent Republic with international recognition; neither has any other State, itself, given to history a world decisive battle. Texas, alone, of the fifty sovereign States of the Union can thus qualify.

With this imposing and illustrious heritage there can be little or no wonderment at the justifiable pride Texans — whether native-born or adopted sons as am I, and daughters of whom Geneva is a native—have in the Lone Star State, and well may we have for hers has been a glorious history—this land which is filled with tales of discovery and of romance, replete with the heroic sacrifices of soldier, priest and citizen, all accomplished with a glory and a patriotism unexcelled by any people.

You who are to be inducted into Honorary Membership in the Sons of the Republic of Texas or who are elected to be invested as Knights, Order of San Jacinto, respectively, certainly possess the same ideals and patriotism as those of us whose lineage may be traced to those who participated in the Battle of San Jacinto or came to Texas prior to annexation and Statehood—in the latter case, "G. T. T." is sufficient. Thus, we are honored to address you as "Compatriots," and congratulate you, knowing well of your dedication and devotion to the great traditions and heritages of Texas.

Under the leadership of such noble stalwarts as Stephen F. Austin, dedicated to carrying out the colonization

plans of his illustrious father, Moses Austin, General Houston, Colonels Travis, Crockett, Bowie and Fannin, to mention a few military figures, and George Childress, Bailey Harde-man, Sterling Robertson, McKinney, Lamar, Rusk, Blount, Ellis, de Zavala and Navarro, to omit their titles, among the statesmen of the time, victory was won over the Mexican Dictator, General Antonio Lopez de Santa Anna, and an Independent Republic launched, subsequently, annexed as the 28th State, to become the brightest star on the field of blue of our National Emblem.

Also, our magnificent heritage impels us ever to be mindful of our bounden obligations—both retrospectively and prospectively—gratitude to the Founding Fathers and preservation of the principles bequeathed and entrusted to us for future generations. These obligations are continuing and inter-related. The fulfillment of the one, is the complement of the other. Each can best be discharged by affirmative, patriotic action, rather than by mere lip service.

And, as I essay to speak this evening, there wells up within me the intense emotion that can only come from a deep regard for the patriotism, the courage and sacrifices of the intrepid men, and the pioneer women whom we should call blessed, who left the comforts of older settlements to suffer the privations of the frontier, which make Texas a truly sacred land.

It is well to remember, as said by Mr. Gladstone, "that the greatest calamity that can befall a state is for its people to forget its origin."

Thus, we should desire no future that will break the ties of the past and with those whose birthrights were the spirit of independence for

"When a land forgets its legends,
Sees but falsehoods in its past.
When a nation views its sires
In the light of fools and liars,
'Tis a sign of its decline
And its glories cannot last."

Let us burnish anew the memories of the past as we contemplate, all too briefly, the achievements of two and one-half centuries of steady growth and development, from the blazing of El Camino Real—over which cowards never started and weaklings never arrived—through the colonizations by the Empresarios, to be fol-

lowed, successively, by Independence, Statehood—an event unparalleled in the history of free governments—and Secession.

Following the cessation of hostilities of the War Between the States, came the disgraceful aftermath of Federal bayonets, which has its modern-day counterparts in Little Rock and Oxford. This situation persisted until the brilliant statesmanship of Roberts, familiarly known as the "Old Alcalde," Reagan, Coke and company threw off the heavy shackles of carpetbag tyranny and restored constitutional government to the Lone Star State. Of them, we may say,

"Theirs was the troubled life,
The conflict and the pain,
The grief, the bitterness of strife,
The honor without stain."

The organic charter, the Constitution which they sponsored, emphasized the basic rights of man—embodying the principles of the great Codes and Declarations of history—the Mosaic, Hammurabian and Justinian; the Magna Charta, Mayflower Compact, Mecklenburg, Philadelphia and, not the least, of the Great Convention at Washington-on-the-Brazos.

This respected heritage, together with the assurances of our memorable past should give us the courage and inspiration to dispel the uneasy future, to which we, seemingly, are committed.

In some instances, perhaps, there are elements which seek to undermine or subvert the integrity and sovereignty of our country, as well as nullify constitutional provisions—the latter, principally, as the result of either judicial usurpation or arrogated executive authority. And in this connection it is well to observe that the usurpation or arrogation of power is not more culpable than the abdication of responsibility.

This calls to mind the immortal words of the orator of another day, who said:

"Other misfortunes may be borne
or their effects overcome; if disastrous war should sweep our commerce from the ocean, another generation may renew it; if it should exhaust our treasury, future industry may replenish it; if it should desolate and lay waste our fields, still under a new cultivation they will be made to grow green again and ripen unto future harvests.

"It were but a trifle, even if the

walls of yonder capitol should crumble, if its lofty pillars should fall and its gorgeous decorations should be all covered with the dust of the valley. All these may be rebuilt.

"But who shall reconstruct the fabric of demolished government?"

"Who shall rear again the well-proportioned columns of constitutional liberty?"

"Who shall frame the skillful architecture which unites National sovereignty with States rights, individual security and public prosperity?"

"No, my friends, if these columns fall they will be raised not again. Like the Coliseum and the Parthenon of old they will be destined to a mournful and melancholy immortality. Bitterer tears will flow over their loss than were ever shed over the monuments of Roman or Grecian art, for theirs is a more glorious edifice than Rome or Greece ever knew, the edifices of constitutional American liberty."

Thus, Mr. Webster, with the lessons of the past as prologue, depicted the fate of a country which should suffer the erosion of its organic law, by whatever method, as differentiated from material losses.

The gigantic problem of launching and maintaining a government of laws is far more difficult than the establishment of a dictatorship as the result of either a military coup d'etat or by subversion. History, of any vintage, is replete with evidence of the accuracy of this statement. The elder Statesman among our Founding Fathers, Dr. Franklin, recognized this when he emerged from Independence Hall following the Constitutional Convention of 1787 and was asked, "What have you given us?" He answered, "A Republic, if you can keep it."

It was theirs to establish a nation in which neither lawlessness nor tyranny would be tolerated nor would legislative alchemy be encouraged. They were not ignorant or bigoted men, as some modern-day detractors would have us believe—instead they were men of experience and learning, familiar with history and with humanity and with the various forms of government as described and discussed by great students thereof as Burlamaqui, Grotius, Locke and Montesquieu. They were inured to toil and hardship, well-knowing that whatever they had, represented an achievement and not an endowment

or pension. They had no intention of establishing a nation in which indolence would be remunerative or that States rights and individual liberty would be violated with impunity. Likewise, it was not intended that either "sit-inners," "sit-downers," or praying demagogues, supported by false leaders, should trespass upon the patience and violate the rights of tolerant majorities, creating "civil wrongs" in the name of "civil rights."

How well the Convention of 1787 wrought is one of the marvels of the modern political and historical worlds. Only their handiwork is our protection against totalitarianism and the socialist-welfare state of the starry-eyed do-gooders.

The qualities which characterize the patriots at Philadelphia were the same as those demonstrated sixty years later at Washington-on-the-Brazos and in the various Constitutional Conventions of Texas except that of 1869, which was odious to honorable men.

The success attained in each instance is readily understandable, when the principles upon which they build are appreciated and accepted. Well they knew that man, in a creative sense, did not pen the organic law of living, free government—that it comes rather as the heritage of the ages—that it springs from eternal justice that is anterior to the State and which is older than human institutions.

The concepts of socialism and one-worldism fail to recognize the basis of our form of government, in that ours is not designed to grant rights, but rather to secure "unalienable rights." Logically, if government can, or may, grant rights, it can, or may, by the same token, withdraw them. The misconception is the result of confusing "desires" with "rights." The Founding Fathers knew that governmental power and individual liberty exist in inverse ratio. As the one expands, the other must recede. "Liberty," said Benito Juarez, often called the "George Washington of Mexico," is the indisputable weapon of the destiny of future humanity."

Whether we regard our obligation of gratitude lightly, or otherwise, ever let it be borne in mind that to establish "constitutional American liberty" and "constitutional Texas liberty"—in either case—our forefathers willingly paid the high prices

of bloody, but successful revolutions, respectively.

It makes me sick at heart, and ashamed to think that we have those in our land who would make a mockery of their sacrifices—at Valley Forge and at the Alamo—by their insidious efforts to renounce national sovereignty as “a silly Shibboleth” and surrender our integrity to what Mr. Owen J. Roberts, former respected jurist, while on foreign soil, designated as “a higher authority” or, perhaps, to the “supernation” as suggested by some of his Texas one-worlder counterparts and fellow-Atlantic Unionists.

Whether by design or otherwise, such is a direct insult to the patriots of 1776, as well as of 1836, “who mutually pledged their lives, their fortunes and their sacred honor” to achieve “national sovereignty” and unite it “with States rights, individual security and public prosperity,” for the United States and for Independence for Texas.

With a consciousness of the “rectitude of their position,” they were content to “commit their decision to the Supreme Arbiter of the destiny of Nations,” supporting it by their “toil and sweat, blood and tears,” to use the inspiring war-words of our distinguished world-renowned Honorary Citizen.

Their great efforts at Goliad, the Alamo and San Jacinto 127 years ago were rewarded by Independence for Texas and the freedom of her citizens. These were complemented by the adoption of a Constitution by which the Ship of State was and may be held to a steady course when buffeted by the waves of popular opinion. This idea must continue to guide our course to secure the preservation of our government and its permanency. Statutory enactments change with every whim of the public, and legislative bodies are prone to be responsive, if not subservient, to popular clamor, which clamor may be, and often is, the result of planned propaganda, spread by selfish interests, or it may be motivated by prejudice. Sometimes it is swayed by the crusader who believes his mission in life is to change the current of public thought and whose sole objective is the gratification of a perennial itch to walk beyond his depth in glory. These pressures can be equally harmful, whether from a small, but compact,

group or from a misled or confused majority.

In these times, it should be well to bear in mind the wise words of General Washington, who said in his Farewell Address, that “Real patriots who resist the intrigues of the favorite, often become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.” “Courageous men defying tyrants are never wanting in history,” said M. Clemmenceau, “but it requires true heroism to defy the tyranny of public opinion.” In other words, we must be able to stand the “hot grease,” if you please, to use political vernacular, as we continue to try to maintain and defend our National sovereignty and the integrity of the States against the assaults with intent, by international do-gooders and one-worlders.

In the patriotic atmosphere which so happily prevades this occasion, it is requisite that we here highly resolve to steadily discountenance irregular and irresponsible opposition to the acknowledged authority of our government, as well as resist, with care, the spirit of innovation upon its principles, however specious the pretext and regardless of the proponents. Alterations which will impair the energy of our system and, thus, to undermine that which cannot be directly overthrown must not be tolerated. Changes by usurpation are the customary methods by which free governments are destroyed. We have only to consider the acceleration with which country after country has lost its freedom, in the past few years, through such subversion to be warned of these dangers. These must be avoided.

Fiscal irresponsibility and greed—consummate greed—are among the major factors—there are others, of course—contributing to the lack of confidence in government and inviting action by reformers and misguided crusaders. Times and circumstances may, and do, change but principles do not.

Continuing dedication to the great principles of our basic documents, which are but the projection of the law of God, assures that the achievements of the past shall be preserved; that the energies of the present shall be kept alive and that the ambitions of the future will be realized. Admittedly, we cannot suffer even a mo-

mentary cessation in our devotion to these principles, lest there should be a permanent abatement.

But this is no time for despair. Futurity has locked up the destiny which awaits our people. There must be strong, resolute determination to face the future with confidence and with "vigah." (Fifty mile hikes are neither appealing nor necessary with which to accomplish this. I prefer the rocking-chair concept.) We must maintain our faith in our form of government, as well as in our ability to keep it as designed—"A Republic." Endowed with individual liberty and great resources and with faith in a Higher Power, we shall meet and conquer the problems of our time only by adherence to—not rejection of—principles approved by the wisdom and sanctioned by the experience of the ages which course is most assuredly commended to us all.

Thank you very much.

Record of Vote

On request of Senator Reagan and by unanimous consent he will be recorded as voting "Nay" on the passage of H. B. No. 614 on Thursday, April 18, 1963.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 172, A bill to be entitled "An Act creating the Richmond State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency."

S. B. No. 315, A bill to be entitled "An Act relating to the Firemen and Policemen pension fund in cities of over one hundred thousand (100,000) inhabitants, providing for enlarging the membership in the board of trustees, increasing the maximum amount deductible, making participation compulsory within specified age limit, amending Article 6243B of Vernon's Texas Civil Statutes, as amended, amending Section 1 of Chapter 101, Acts of the Forty-third Legislature, First Called Session, 1933, as amended; and declaring an emergency."

S. B. No. 222, A bill to be entitled

"An Act creating the Lufkin State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency."

S. C. R. No. 50, Requesting Governor to designate "Peace Officers Memorial Day" and Police Week.

S. C. R. No. 49, Extending congratulations to City of Grand Prairie on anniversary celebration.

Senate Concurrent Resolution 51

Senator Parkhouse offered the following resolution:

S. C. R. No. 51, Granting Producing Properties, Inc. permission to sue the State of Texas.

Whereas, Producing Properties, Inc. is a private corporation under the laws of the State of Delaware and duly authorized to transact business in the State of Texas; and

Whereas, Producing Properties, Inc. asserts it has overpaid the State of Texas franchise taxes in the aggregate amount of \$68,838.58 for the years 1955 to 1958 inclusive; and

Whereas, It is maintained that the Comptroller of the State of Texas and Producing Properties, Inc. have over a period of many months examined the validity of the overpayment aggregating said sum and have agreed that the Producing Properties, Inc. was not obligated to pay said sum or any part thereof; and

Whereas, It is asserted that the Comptroller has concluded that Article 1.11 of the Revised Civil Statutes of Texas which authorizes said Comptroller to grant credits for such overpayments does not authorize the Comptroller to grant credits for overpayments made prior to the effective date of the Act; and

Whereas, It is the policy of the Legislature to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That Producing Properties, Inc. be and it is hereby granted permission to bring suit against the State of Texas in any court of competent

jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for the said amounts of money heretofore incorrectly extracted from and paid by said corporation and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and be it further

Resolved, That such suit may be filed within two years from the effective date of the resolution; and be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part of the State or as to any fact is made by this resolution and it is specifically provided that the facts upon which any recovery is sought must be proved in court as in other civil cases; and be it further

Resolved, That no interest shall be paid to Producing Properties, Inc. in the event a final judgment is obtained by it for recovery of taxes paid under Chapter 12, Title 122a, Revised Civil Statutes of Texas; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defense, of fact as well as of law, that may be asserted by or available to the State of Texas or any of the Departments or Agencies of the State of Texas or any of the political subdivisions in the State of Texas in said suit but all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bill 464 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Bates:

S. B. No. 464, A bill to be entitled "An Act giving any drainage district in Hidalgo and Cameron Counties, in this state, heretofore or hereafter organized under provision Section 52, Article III constitution of Texas, which district has heretofore or shall hereafter be converted into a conserva-

tion or reclamation district under Section 59, Article XVI, Constitution of Texas, the right to enter into contracts for the construction of improvements with the Government of the United States of America or any agency or instrumentality thereof, providing that it may then execute contracts and providing for payment of obligations incurred thereunder by providing a severability clause; repealing conflicting laws; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 465 on First Reading

Senator Watson moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Watson:

S. B. No. 465, A bill to be entitled: "An Act amending Chapter 373, Acts of the 57th Legislature, 1961, by adding a new Section 22A, providing that certain prosecution by the Federal Government or any of its agencies shall be a bar to similar prosecution by the State of Texas or any of its agencies, providing that certain proceedings by the Federal Government will serve as abatement to similar proceedings by the State of Texas or any of its agencies; provid-

ing that good faith compliance with certain orders, directives and judgments of the Federal Drug Administration shall be a bar to any action by the Commissioner of Health or any other agency of the State of Texas; and declaring an emergency.

To the Committee on Public Health.

Senate Bill 466 on First Reading

Senator Bates moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bates:

S. B. No. 466, A bill to be entitled "An Act to provide that any person certified to teach in the public schools of Texas who holds a bachelor of laws degree shall have his minimum salary calculated on the basis of a master's degree; and declaring an emergency."

To the Committee on Education.

Senate Bill 467 on First Reading

Senator Harrington moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introduction at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Harrington:

S. B. No. 467, A bill to be entitled "An Act amending the Texas Shrimp Conservation Act by adding thereto a new Section 11A, making it lawful to transport in Texas coastal waters, under certain conditions, any trawl or equipment lawfully used in the waters of another state or foreign nation; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 468 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Harrington:

S. B. No. 468, A bill to be entitled "An Act authorizing the Game and Fish Commission to regulate the taking of shrimp from the coastal waters of Orange and Jefferson Counties, and to regulate the sale, transportation, possession and other handling thereof; prescribing procedures; providing for enforcement; providing a penalty for violation of such rules and regulations; providing for severability; repealing all laws in conflict; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 469 on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Harrington:

S. B. No. 469, A bill to be entitled: "An Act creating within the State of Texas, in addition to the districts into which the State has heretofore been divided, a port district to be known as the Port of Port Arthur Navigation District of Jefferson County, Texas, situated in Jefferson County Texas; declaring the same to be a governmental agency and body politic, the creation of which is determined to be essential to the accomplishment of the purposes of Section 59, of Article 16, of the Constitution of the State of Texas, for the improvement of navigation and the development of port and wharf and dock facilities of the Port of Port Arthur within the boundaries thereof, which is declared to be essential to the general welfare of the State for the development of maritime shipping and in the interest of national defense, and of material benefit to and result in the increase of taxable value of the property included therein; defining the boundaries thereof; defining the powers, rights, privileges and functions thereof; providing for its management by a Board of Port Commissioners composed of five (5) persons; defining their qualifications and duties and the manner of their election; providing said district shall have authority to acquire from the City of Port Arthur with the consent of the city, all of its port properties, lands, assets, moneys and funds on hand, and facilities by assuming the unpaid and outstanding bonded debt and other indebtedness and obligations incurred by the city on account of same; providing for an election in said district and in the City of Port Arthur to be held on the same day to determine whether or not said properties shall be acquired by said district and transferred to the same by the City of Port Arthur; providing said district may have levied a maintenance tax not to exceed ten cents (10¢) on the One Hundred Dollars (\$100) valuation of taxable property therein, providing such proposition shall be adopted by a majority vote of the qualified property taxpaying voters of said district; providing for an election to be called by the County Judge of Jefferson County, Texas, at which election the proposition of acquiring the port and wharf and dock properties of the city and the assumption of the outstanding indebtedness of the city for port purposes shall be determined, as well as

for the maintenance tax; providing for the giving of security to the County Judge to pay the costs of said election; providing the manner of calling said election and giving notice thereof and the holding and canvassing the returns thereof; prescribing the duties of the county officials with reference to the giving of notice of said election, and canvassing the returns thereof; providing that said district shall be divided into four wards by the County Judge, and providing that each of said wards shall be entitled to representation on said commission; providing the manner of having the names of candidates printed on the ballot for said election; providing that those qualified to vote for governor may vote for the candidates for commissioners of said port district; providing that only those resident qualified electors of said district who own taxable property therein and who have duly rendered the same for taxation therein shall be allowed to vote upon the proposition of assuming said indebtedness and levying of said maintenance tax; providing the term of office of said board of commissioners of the district and the manner of their election after the first board of commissioners are elected; prescribing the authority, powers and duties of said board of Port Commissioners; providing for the filling of vacancies on said board; providing for the alteration or change in the boundaries of said port district for voting purposes only after the same is established; providing the compensation for said board of commissioners; providing for the organization of said board and the election of officers thereof; for its regular and special meetings; providing that said board may employ a general manager, attorney, engineers, and all other employees of said district and fix the term of office and provide for their compensation; provided that all officers, agents and employees of said district charged with the collection, custody or payment of any funds of the district shall give bond; providing for the selection of a depository for said district in accordance with laws relating to county depositories; providing for reports by said depository and providing an audit to be made of the accounts and records of said district annually; providing that said port commissioners shall give bond in the sum of One Thousand Dollars (\$1,000) payable to the district, conditioned upon the faithful perform-

ance of their duties, and for the approval thereof; providing for the issuance of bonds by said district to procure funds for any lawful purpose provided for in this Act and when authorized by the majority vote of the qualified property taxpaying voters of said district at election held for said purpose; providing the method of holding said election and giving notice thereof and the manner of issuing said bonds and the duties of the officers with reference thereto; prescribing the form of ballot to be used in said election for the issuance of bonds; providing for the refunding of the district's bonds; providing said district shall have powers granted by general and special laws appertaining to navigation districts, insofar as not inconsistent with the terms hereof and permitting said District to pledge certain revenues of said District to the payment of its revenue bonds; providing that bonds shall be eligible for certain investments and eligible to secure certain funds; providing that bonds issued under the provisions hereof shall be submitted to the Attorney General for approval and registered with the State Comptroller, after which such bonds shall be incontestable; providing that the Commissioners Court of Jefferson County shall upon requisition of the board of port commissioners assess and levy taxes for said district; providing that the levying and assessing of taxes, the equalization thereof and the collection of same and the duties of all officers in connection therewith shall be governed by the general laws of Texas relating to State and county taxes; providing compensation for the officers charged with the levying, assessing, and collecting of said taxes; providing a lien to secure taxes of said district; providing limitation shall not run against the same or any other public charge thereof; providing that should the proposition for acquiring the existing port facilities of the City of Port Arthur and assuming the indebtedness against the same be defeated at the election therefor, or should the proposition authorizing the city to transfer its port properties be defeated at the election therefor, then the district created hereby and its officers shall not function for any purpose or receive any compensation or incur any indebtedness or levy any taxes; providing that if said propositions are adopted, then the district created hereby shall succeed to and be vested with all the

rights, powers and authority of the City of Port Arthur appertaining to its port properties and shall be subject to all the city's obligations appertaining thereto; providing in such event all ordinances, rules and regulations heretofore adopted by the city appertaining thereto shall remain in full force and effect until modified or changed by the port commissioners; providing this Act shall be liberally construed; providing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 470 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S. B. No. 470, A bill to be entitled "An Act amending Article 8264 of the Revised Civil Statutes of Texas, 1925, to establish commissioners of pilots for all the ports of Galveston County; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 471 on First Reading

Senator Bates moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bates:

S. B. No. 471, A bill to be entitled "An Act relating to the licensing and regulation of motor transportation brokers by the Railroad Commission of Texas; providing an effective date; providing a severability clause; repealing conflicting laws; and declaring an emergency."

To the Committee on Transportation.

Senate Bill 472 on First Reading

Senator Schwartz moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S. B. No. 472, A bill to be entitled "An Act amending Article 8270 of the Revised Civil Statutes of Texas, 1925, relating to appointment of branch pilots, to make the article applicable to all of the ports in Galveston County and to increase the term of office of branch pilots to four years; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Concurrent Resolution 52

Senator Rogers offered the following resolution:

S. C. R. No. 52, Granting W. D. Scarbrough, Jr., et al., permission to sue the State.

Whereas, W. D. Scarbrough, Jr., and W. D. Scarbrough, Sr., claim to be owners in fee simple of the following described lands, respectively, in Hale County, Texas:

A tract of land known and described as a part of the East One-Half of Section 16, Block C-L, Hale County, Texas, and which is described by metes and bounds as follows:

Beginning at steel rod in center-line of highway in East line of Section No. 16, Block JK-2 as held;

Thence North along center-line of paved highway on East line of said section No. 16, at 1022 varas cross center-line of railroad, in all 1466.4 varas to steel rod in center-line of paved road and in line with old fence to West;

Thence West with old fence 948.3 varas to old fence corner and $\frac{1}{2}$ inch pipe, the Northwest corner of East Half of Section No. 16, Block C-L as held;

Thence South $0^{\circ} 08'$ East along old fence trace, 1721 varas pass 1 inch pipe on North line of highway right-of-way, in all 1743.8 varas to center-line of highway;

Thence North $73^{\circ} 21'$ East along center-line of highway at 389 varas cross center-line of railroad, in all 997.1 varas to place of beginning and containing all the East Half of Section No. 16, Block C-L, lying North of center-line of highway as held for years;

Save and except that portion of said land conveyed by W. D. Scarbrough, Jr., et ux to Blue Star Elevator & Grain Storage, Inc., by deed dated April 12, 1961, recorded in Book 874, page 407, Deed Records, Hale County, Texas.

A tract of land known and described as all of the J. C. Brown, S. F. 1019, Hale County, Texas, and which is described by metes and bounds as follows:

Beginning at a $\frac{1}{2}$ inch steel rod set in Southeast corner of J. C. Brown, S. F. 1019, from which steel rod bears North $1\frac{1}{2}$ feet;

Thence North along old fence trace, the West line of Section No. 17, Block K, as held, 960 varas to old $1\frac{1}{2}$ inch pipe, the Northwest corner of the South Half of Section No. 17, Block K, as held;

Thence West at 10.8 varas pass $\frac{3}{4}$ inch steel rod, at 822 varas pass $\frac{3}{4}$ inch steel rod in East line of railroad right-of-way, at 842 varas cross center-line of railroad, in all 884.7 varas to point in center-line of paved highway;

Thence South along center-line of highway, at 87 varas cross center-line of railroad, in all 960 varas to Southwest corner of J. C. Brown, S. F. 1019, and Northwest corner of H. A. White Survey;

Thence East 887 varas to place of beginning.

A tract of land known and described as all of that part of the H. A. White Homestead Survey, Hale County, Texas, situated north of the center line of the right-of-way of F. M. No. 54, and which is described by metes and bounds as follows:

Beginning at point in paved highway at Southwest corner of J. C. Brown, S. F. Survey No. 1019;

Thence East 552.5 varas to where South line of said J. C. Brown, S. F. 1019 intersects the North line of highway No. 54;

Thence Southwestward along North line of said highway right-of-way, to where it intersects center-line of paved highway;

Thence North along a center-line of said paved highway about 135 varas to place of beginning and containing about 5 acres of land out of the Northwest part of H. A. White homestead survey.

Whereas, the State of Texas claims a vacancy exists between the east line of section 16, Block C-L, Hale County, Texas, and the H. A. White Homestead Survey, J. C. Brown, S. F. 1019, and Survey 3, Block L, all in Hale County, Texas, wherein 29 acres of land are said to be a part of S. F. 11935; and

Whereas, W. D. Scarbrough, Jr., and W. D. Scarbrough, Sr., claim no vacancy exists between the above described land owned in fee simple by them as claimed by the Land Commissioner of the State of Texas and the State of Texas; and

Whereas, W. D. Scarbrough, Jr., and W. D. Scarbrough, Sr., desire to bring and maintain a suit against the State of Texas and the Land Commissioner of the State of Texas to recover the above described 29 acres as being within the description of their land described above; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representa-

tives concurring, That W. D. Scarbrough, Jr., and W. D. Scarbrough, Sr., be and they are hereby granted permission to bring and maintain suit against the State of Texas and the Land Commissioner of the State of Texas, in the 64th Judicial District Court of Hale County, Texas, to recover judgment against the State of Texas, and the Land Commissioner of the State of Texas for title to and possession of the lands described above, claimed by the Land Commissioner of the State of Texas and the State of Texas to be a vacancy; and be it further

Resolved, that the sole purpose of this resolution is to grant permission to the aforesaid W. D. Scarbrough, Jr., and W. D. Scarbrough, Sr., to bring and maintain suit against the State of Texas and the Land Commissioner of the State of Texas, and no admission of liability by the said parties is made by this Resolution and all essential facts shall be proved as in other similar cases, and either party may appeal from the judgment as in similar cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 631, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 953, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Creighton by unanimous consent submitted the following reports:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 626, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
April 18, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 562, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
April 18, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 512, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Senator Dies, by unanimous consent submitted the following report:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 469, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senator Hardeman by unanimous consent submitted the following reports:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 51, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 52, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 468, have had the same under consideration and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CREIGHTON, Chairman.

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Education, to whom was referred H. B. No. 786, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CRUMP, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 590, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Remarks of Senator Hardeman on Personal Privilege Ordered Printed in Journal

On motion of Senator Moore and by unanimous consent the remarks of Senator Hardeman on personal privilege relative to S. B. No. 270 be reduced to writing and ordered printed in the Senate Journal.

Executive Session

Senator Herring asked unanimous consent for the Senate to go into Executive Session at 12 m. o'clock today.

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Criminal District Attorney of Polk County, to fill the unexpired term of Claude Ray Bailey, resigned: Samuel W. Freas of Livingston, Polk County.

To be Criminal District Attorney for Polk County, Texas to fill the unexpired term of Sidney Adams, said term to expire December 31, 1966: Ross Hightower of Corrigan, Polk County.

To be Branch Pilots for the Galveston Bar and the Houston Ship Channel for two-year terms to expire April 5, 1965: Jay C. Browning of Houston, Harris County; E. E. Andersen of Houston, Harris County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 12:05 o'clock p.m.

House Bill 590 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 590 was ordered not printed.

Senate Bill 468 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent S. B. No. 468 was ordered not printed.

Senate Bill 469 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent S. B. No. 469 was ordered not printed.

Senate Bill 234 With House Amendments

Senator Blanchard called S. B. No. 234 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Blanchard moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Senate Bill 235 With House Amendments

Senator Blanchard called S. B. No. 235 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Blanchard moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Senate Bill 449 Re-committed

On motion of Senator Spears and by unanimous consent S. B. No. 449 was recommitted to the Committee on Counties, Cities and Towns.

Recess

On motion of Senator Parkhouse the Senate at 12:11 o'clock p.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

Leave of Absence

Senator Word was granted leave of absence for today on account of important business on motion of Senator Hall.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 524, To the Committee on State Affairs.

H. B. No. 116, To the Committee on Jurisprudence.

H. B. No. 41, To the Committee on Jurisprudence.

H. B. No. 204, To the Committee on Insurance.

H. B. No. 203, To the Committee on Insurance.

Conference Committee on House Bill 50

The President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 50: Senators Hardeman, Blanchard, Calhoun, Creighton and Crump.

Senate Bill 473 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Dies:

S. B. No. 473, A bill to be entitled "An Act to amend H. B. No. 377, heretofore enacted by the 58th Legislature at its Regular Session in 1963, to clarify the qualification of voters at the election of directors for the District; to provide for the terms of office of the members of the Board of Directors of said District; validating all proceedings heretofore had under H. B. No. 377; providing for severability; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 54 on Second Reading

On motion of Senator Blanchard

and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 54, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; creating an Independent School District; and declaring an emergency."

The bill was read the second time.

Senator Blanchard offered the following committee amendment to the bill:

To amend S. B. No. 54 by deleting section 4 and renumbering the succeeding sections accordingly.

The committee amendment was adopted.

On motion of Senator Blanchard and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 54 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	

Absent

Kennard

Absent—Excused

Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committees

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 473, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senator Creighton, by unanimous consent, submitted the following report:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 580, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Senate Bill 473 Ordered Not Printed

On motion of Senator Dies and by unanimous consent S. B. No. 473 was ordered not printed.

House Bill 580 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 580 was ordered not printed.

(Senator Rogers in the Chair.)

Report of Standing Committee

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 493, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and not be printed.

CREIGHTON, Chairman.

House Bill 493 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 493 was ordered not printed.

(President in the Chair.)

Senate Bill 27 on Second Reading

Senator Spears asked unanimous consent to suspend the regular order of business and take up S. B. No. 27 for consideration at this time.

There was objection.

Senator Spears then moved to suspend the regular order of business and take up S. B. No. 27 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kazen
Bates	Moffett
Blanchard	Owen
Calhoun	Parkhouse
Cole	Ratliff
Colson	Richter
Creighton	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson

Nays—7

Crump	Moore
Dies	Patman
Herring	Reagan
Krueger	

Absent

Kennard

Absent—Excused

Word

The President laid before the Sen-

ate on its second reading and passage to engrossment:

S. B. No. 27, A bill to be entitled "An Act repealing Articles 3.33, 3.35, and 3.37 of the Insurance Code, enacted by Senate Bill 236, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, Page 868; and declaring an emergency."

The bill was read second time.

(Pending discussion by Senator Moore of S. B. No. 27, Senator Rogers occupied the Chair.)

(President in the Chair.)

Senator Herring offered the following amendment to the bill:

Amend S. B. No. 27 by deleting from the first sentence of Section 1 the figures "3.33, 3.35 and 3.37."

The amendment was read.

On motion of Senator Parkhouse the amendment was tabled.

Record of Votes

Senators Herring, Crump, Krueger and Patman asked to be recorded as voting "Nay" on the motion to table the above amendment.

Question—Shall S. B. No. 27 be passed to engrossment?

Motion to Adjourn

Senator Creighton moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—10

Calhoun	Hardeman
Creighton	Herring
Crump	Krueger
Dies	Moffett
Hall	Patman

Nays—17

Aikin	Hazlewood
Bates	Kazen
Blanchard	Parkhouse
Cole	Ratliff
Colson	Reagan
Harrington	Richter

Rogers	Strong
Schwartz	Watson
Spears	

Absent

Kennard	Owen
Moore	

Absent—Excused

Word

Senate Bill 27 on Second Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 27 on its second reading and passage to engrossment.

S. B. No. 27 was passed to engrossment.

Record of Votes

Senators Herring, Dies, Krueger, Patman and Crump asked to be recorded as voting "Nay" on the passage of S. B. No. 27 to engrossment.

Senate Bill 27 on Third Reading

Senator Spears moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moffett
Bates	Owen
Blanchard	Parkhouse
Calhoun	Ratliff
Cole	Reagan
Colson	Richter
Creighton	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Kazen	

Nays—5

Crump	Krueger
Dies	Patman
Herring	

Absent

Kennard	Moore
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Absent—Excused

Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Herring, Krueger, Dies, Crump, Patman and Reagan asked to be recorded as voting "Nay" on the final passage of S. B. No. 27.

Senate Bill 474 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 474, A bill to be entitled "An Act amending Chapter 418, page 766, Acts of the 52nd Legislature, 1951 (codified by Vernon as Article 8280-146), relating to Brookshire Municipal Water District, by adding thereto a section permitting the addition and annexation of land to said District in accordance with general law; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 474, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senate Bill 474 Ordered Not Printed

On motion of Senator Colson and by unanimous consent S. B. No. 474 was ordered not printed.

**Conference Committee on
Senate Bill 234**

The President announced the appointment of the following as a Con-

ference Committee on the part of the Senate on S. B. No. 234:

Senators Blanchard, Bates, Hazlewood, Reagan and Strong.

**Conference Committee on
Senate Bill 235**

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 235:

Senators Blanchard, Bates, Hazlewood, Reagan and Strong.

**Conference Committee on
House Bill 42**

Senator Herring called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 42 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Herring, Owen, Parkhouse, Hall and Ratliff.

Report of Standing Committee

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 318, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

House Bill 318 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 318 was ordered not printed.

House Bill 167 Re-referred

On motion of Senator Bates and by unanimous consent H. B. No. 167 was withdrawn from the Committee on Education and re-referred to the Committee on Counties, Cities and Towns.

Reports of Standing Committee

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 621, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
April 22, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 167, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senate Bill 475 on First Reading

Senator Schwartz moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	

Absent

Kennard

Absent—Excused**Word**

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S. B. No. 475, A bill to be entitled "An Act granting to the City of Texas City, Texas, in Galveston County, Texas, for Public Purposes and Particularly for and in aid of Recreation, Rest and Relaxation, Fishing, Boating, Surfing, Natatorial and Nautical Purposes, that portion of certain submerged lands, tidal flats, overflow lands and accretions formed by dredged material; and declaring an emergency."

To the Committee on State Affairs.

**Motion to Place
Senate Bill 255 on Second Reading**

Senator Crump asked unanimous consent to suspend the regular order of business and take up S. B. No. 255 for consideration at this time.

There was objection.

Senator Crump then moved to suspend the regular order of business and take up S. B. No. 255 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Aikin	Moore
Calhoun	Owen
Cole	Parkhouse
Creighton	Ratliff
Crump	Reagan
Hall	Rogers
Hardeman	Schwartz
Krueger	Watson
Moffett	

Nays—12

Bates	Kazen
Blanchard	Kennard
Colson	Patman
Dies	Richter
Harrington	Spears
Herring	Strong

Absent

Hazlewood

Absent—Excused

Word

Welcome Resolutions

S. R. No. 417—By Senator Owen: Extending welcome to Mr. and Mrs. Norris E. Hammond and children of Manila, Philippines.

S. R. 418—By Senators Owen and Herring: Extending welcome to Mr. and Mrs. Robert J. Flowers and children.

S. R. No. 419—By Senator Herring: Extending welcome to students and teachers of Ridgetop School of Austin.

S. R. No. 420—By Senator Crump: Extending welcome to students and teachers of Mullin High School.

S. R. No. 421—By Senator Hall: Extending welcome to Mr. and Mrs. Arthur Henry of Rockwall.

Adjournment

On motion of Senator Hardeman the Senate at 5:27 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

FIFTY-EIGHTH DAY

(Tuesday, April 23, 1963)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Spears

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Spears was granted leave of absence for today on account of important business on motion of Senator Bates.

Morning Call Dispensed With

On motion of Senator Aikin and by unanimous consent The Morning Call was dispensed with for today.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 23, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 180, A bill to be entitled "An Act to establish the County Criminal Court of Appeals of Tarrant County, Texas, to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Tarrant County, the County Criminal Court of Tarrant County and The County Criminal Court No. 1 of Tarrant County; providing for the transfer of pending appeals of convictions had under the laws of the State of Texas and Municipal Ordinances of the Municipalities located in Tarrant County, Texas, from The County Criminal Court of Tarrant County and The County Criminal Court No. 1 of Tarrant County to the County Criminal Court of Appeals of Tarrant County; declaring the validity in the transferred cases of writs and processes extant at the time of such transfer; granting said Court certain powers; providing for the practice and procedure in said court for the terms of said court, for the election, qualification and appointment of a judge thereof, and for the execution of a bond and oath of office; providing for the removal of said judge; providing for a clerk of said court and for the duties of said clerk and the duties of the Sheriff as to such court; providing a seal for said court; establishing the fees and compensation to